

FCC MAIL SECTION

Federal Communications Commission

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Biennial Regulatory Review -- Amendment of)
Parts 0, 1, 13, 22, 24, 26, 27, 80,) WT Docket No. 98-20
87, 90, 95, 97, and 101 of the Commission's Rules)
to Facilitate the Development and Use of the)
Universal Licensing System in the Wireless)
Telecommunications Services)

NOTICE OF PROPOSED RULEMAKING

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I. INTRODUCTION

1. In this Notice of Proposed Rulemaking (*NPRM*), we propose to consolidate, revise, and streamline our rules governing application procedures for radio services licensed by the Wireless Telecommunications Bureau (WTB or Bureau).¹ These proposed rule changes are designed in part to facilitate our implementation of the Universal Licensing System (ULS), the Commission's new integrated licensing database for wireless services that will become fully operational later this year. In addition, as part of our 1998 biennial review of regulations, we are initiating this proceeding to streamline our wireless licensing rules by eliminating regulations that are duplicative, outmoded, or otherwise unnecessary.

2. The development of ULS represents a major breakthrough in the Commission's use of state-of-the-art technology in support of its regulatory functions. Until now, wireless applicants and licensees have been required to use a myriad of forms for various wireless services and types of requests, and the information provided on these applications has been collected in eleven separate databases, each for a different group of services. This service-specific approach to application and licensing causes a significant waste of time and resources on the part of applicants and licensees, who must often file duplicative information in different databases following varying procedures. The maintenance of multiple databases also impedes the Commission's ability to carry out its licensing responsibilities efficiently. In addition, the patchwork nature of our existing databases impedes the public's access to licensing information, because the information is scattered and frequently not available in an easily usable form.

3. The integrated ULS database now in development addresses these problems in several ways. First, this database will replace the eleven separate licensing databases previously in use in the Wireless Telecommunications Bureau. Thus, it will provide a single technological platform for information collection from wireless licensees and applicants, eliminating the need for wireless carriers to file duplicative applications, and increasing the accuracy and reliability of licensing information. ULS will also enable all wireless applicants and licensees for the first time to file all licensing-related applications and other filings electronically, thus increasing the speed and efficiency of the application process.

4. ULS will also make licensing information more accessible and more usable by Commission staff in carrying out our regulatory responsibilities. For example, ULS will greatly enhance our ability to collect reliable and accurate information on such issues as licensee ownership, including information regarding entities holding major ownership interests in licenses, and affiliated entities such as parents

¹ WTB licenses the following radio services: Personal Communications Service (PCS), Cellular Radiotelephone Service (cellular), Public Mobile Services other than cellular (e.g., Paging and Radiotelephone, Rural Radiotelephone, Offshore Radiotelephone, Air-Ground Radiotelephone), Fixed Microwave Service, Private Land Mobile Radio Services, Maritime Radio Services, Aviation Radio Services, Amateur Radio Services, and Personal Radio Services. Additionally, the WTB processes applications for the Broadcast Auxiliary Service (pursuant to an agreement with the Mass Media Bureau), requests by tower owners for Antenna Structure Registrations, and requests for Commercial Radio Operator Licenses.

and subsidiaries of licensees. This will enable the Commission staff to monitor spectrum use and competitive conditions in the wireless marketplace more easily and will promote more effective implementation of our spectrum management policies.

5. Finally, ULS will enhance the availability of licensing information to the public, which will for the first time be able to access all wireless licensing data on-line by dialing into the Commission's wide area network (WAN) and using any World Wide Web (WWW) browser.² ULS will also provide information in more usable form than our prior licensing systems, e.g., by allowing the public to generate and download maps showing licensing areas and service providers.³ These changes will benefit not only Commission licensees, but also members of the public that have historically had little or no access to such information. In addition, the cost of filing applications or obtaining information will be reduced. License applicants will be charged normal filing fees for filing applications under ULS, but will save time and resources by filing electronically. For other uses of ULS, e.g., persons seeking to retrieve licensing or mapping information, the Commission will charge for on-line access,⁴ but these charges will be limited to the amount necessary solely to recover the Commission's costs of maintaining ULS, including the cost of protecting the security of the system from outside tampering.⁵ We anticipate that when ULS is fully operational, it will be possible to reduce these charges because the cost can be spread among a larger number of users. In any event, we expect that the amount

² Access to the Commission's WAN can be achieved by downloading a Point-to-Point Protocol (PPP) dialer. PPP is a complete specification for transmitting datagrams between data communications equipment from different manufacturers over dial-up and dedicated serial point-to-point links. As a universal standard, PPP enables multi-vendor interoperability across serial links, dedicated links, dial-up links, and/or switched ISDN links, traditionally restricted to equipment supplied by the same manufacturer. PPP provides the flexibility to add support for other protocols through software upgrades. PPP can also simultaneously transmit multiple protocols across a single serial link, eliminating the need to set up a separate link for each protocol. PPP is also ideal for interconnecting dissimilar devices such as hosts, bridges, and routers over serial links.

³ This software and installation instructions can be obtained at <http://www.fcc.gov/wtb/uls>. In addition to straightforward querying capabilities based upon call signs, locations, and file numbers, the public will be able to use geographical information system (GIS) technology to generate map-based information from the ULS database. For example, the public will be able to pull up a map of the United States and "point and click" on a state and county to determine the wireless licensees in the area, e.g., for partitioning purposes. ULS will also permit the electronic filing of data required to create maps of proposed and existing service areas. With the implementation of the ULS and GIS technology, the general public will be able to electronically access these maps. A prototype of this system has been developed and is available to the public for comments. This system may be found on the World Wide Web at <http://uls-gis.fcc.gov>. See "FCC Releases Microwave Geographic Information System," *Public Notice*, (rel. June 19, 1997); "Wireless Telecommunications Bureau Makes Available On-Line Mapping for Auction Data," *Public Notice*, 12 FCC Rcd 9862 (1997).

⁴ Applicants will not be charged for on-line access to ULS while they are filing electronically.

⁵ Currently, on-line fees are set at \$2.30/minute, the same amount that is charged to auction participants for using the Commission's on-line bidding software. See *Assessment and Collection of Charges for FCC Proprietary Remote Software Packages, On-Line Communications Service Charges, and Bidder's Information Packages in Connection with Auctionable Services*, WT Docket No. 95-69, *Report and Order*, 10 FCC Rcd 10769 (1995).

charged to obtain information through ULS will generally be less than the current cost of obtaining copies of Commission records manually from ITS (the Commission's copy contractor) or the Commission's public reference rooms. In addition, Commission orders, public notices, and other releases will be available on the Internet without charge by the Commission.

6. We also note that ULS will provide greater access to persons with disabilities. ULS will incorporate several features that will enable persons with disabilities to use the electronic filing and public access functions. The technical support hotline will have Text Telephone capabilities for the hearing impaired. In addition, the system will allow sight impaired individuals access to Interactive Voice Response Technology. This will allow applicants to determine the status of pending license applications through a touch tone phone.

7. To fully implement ULS for all wireless radio services, we must make certain conforming changes to our wireless licensing rules to reflect new electronic filing procedures, new electronic forms, and other technical changes in the licensing process. However, we believe the development of ULS provides us with an opportunity to simplify and streamline our rules in other ways as well. Thus, we propose in this proceeding to consolidate our wireless radio services licensing rules in a single section of Part 1, to the extent practicable, and to eliminate dozens of corresponding duplicative rules in other service-specific rule parts. This step alone will greatly reduce the administrative burden on applicants and licensees during the course of the licensing process.

8. In addition, as noted above, we are initiating this proceeding as part of our 1998 biennial review of regulations pursuant to section 11 of the Communications Act of 1934, as amended, (Communications Act).⁶ Section 11 requires us to review all of our regulations applicable to providers of telecommunications services and determine whether any rule is no longer in the public interest as the result of meaningful economic competition between providers of telecommunications service.⁷ As part of our biennial review of regulations required under section 11 we believe it is appropriate to review our regulations related to licensing of wireless radio services to determine which regulations can be streamlined or eliminated in light of increased telecommunications competition in the wireless marketplace. Our goal in this proceeding is therefore to establish a simplified set of rules that (1) minimizes filing requirements as much as possible; (2) eliminates redundant, inconsistent, or unnecessary submission requirements; and (3) assures ongoing collection of reliable licensing and ownership data. Accordingly, we propose in this *NPRM* to revise our regulations to efficiently collect from wireless radio services applicants and licensees only the data necessary to carry out our statutory spectrum management and compliance responsibilities.

9. Finally, we note that this is only one of a number of proceedings that we are initiating to streamline our rules and to take advantage of new technology to perform our regulatory functions more efficiently. For example, in our proceeding on Improving the Commission's Processes, we have sought comment on numerous changes to our rules that would eliminate unnecessary filing and

⁶ 47 U.S.C. § 161.

⁷ See "1998 Biennial Review of FCC Regulations Begun Early; to be Coordinated by David Solomon," *News Release* (November 18, 1997).

reporting requirements.⁸ Similarly, we recently initiated a proceeding proposing to establish electronic filing of comments in rulemaking proceedings.⁹ We also anticipate that our proposals for improving wireless licensing through ULS may lead to similar initiatives with respect to non-wireless services and other Commission functions.

10. In this proceeding, we are guided by the principles of (1) furthering competition in the telecommunications industry; (2) ensuring that all communities have real and effective access to telecommunications technology; and (3) drafting clear and concise rules that provide for fair, efficient, and consistent regulation of wireless radio services. Accordingly, we seek to: (1) facilitate the development of electronic filing in general; (2) require, where appropriate, applicants for wireless radio services licenses to file applications and notifications electronically; (3) streamline licensing processes and procedures; and (4) conform application and filing rules for all wireless radio services so that similarly situated applicants and licensees are treated equally.

II. EXECUTIVE SUMMARY

11. The proposals in this *NPRM* consolidate our rules governing application processes and procedures for wireless radio services within Part 1 of the Commission's rules,¹⁰ while eliminating a vast number of duplicative rules and regulations in other parts of the Code of Federal Regulations.¹¹ The proposed rules are listed by rule part in Appendices B through N of this *NPRM*. Through this proposed consolidation of application and filing requirements, numerous unnecessary and repetitive rules and regulations would be deleted. In addition, applicants and licensees will be able to refer to a single section of the Commission's rules to ascertain all wireless radio services application requirements.¹²

12. We contemplate that some of the application and service rules we propose to consolidate may be subject to further revision in future proceedings as a result of the Balanced Budget Act of 1997.¹³ The Balanced Budget Act expanded the Commission's authority to auction mutually exclusive

⁸ Improving Commission Processes, PP Docket No. 96-17, *Notice of Inquiry*, 11 FCC Rcd 14006 (1996) (*Improvement Notice of Inquiry*); *Report to the Commission*, FCC Office of Plans and Policy, July 25, 1996.

⁹ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Notice of Proposed Rulemaking*, 12 FCC Rcd 5150 (1997) (*Electronic Filing NPRM*).

¹⁰ See 47 C.F.R. Part 1.900, *et seq.* The proposed new Part 1 rules are contained in Appendix C.

¹¹ See 47 C.F.R. Parts 13, 20, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101. These rule parts contain technical guidelines and application procedures for all wireless radio services.

¹² The proposed rules, broken down by rule part, are contained in Appendices B - O.

¹³ Balanced Budget Act of 1997, Pub. Law No. 105-33, Title III, 111 Stat. 251 (1997) (to be codified at 47 U.S.C. § 309(j)(4)(F)) ("Balanced Budget Act").

applications for an initial license.¹⁴ In addition, in our rulemaking proceeding involving the "refarming" of some wireless spectrum, we have proposed that certain services formerly licensed on a non-exclusive basis be licensed on an exclusive basis.¹⁵ Accordingly, any future rules, including ULS procedural rules, developed as a result of these factors will be revisited on a service-by-service basis in the future.

13. We note that many of the rule changes proposed in this *NPRM* are merely procedural in nature. Section 553(b)(3)(A) of the Administrative Procedures Act provides an exception from notice and comment requirements for procedural rules.¹⁶ However, as a result of the development of the ULS, we are proposing fundamental and extensive changes to the way we receive and process applications. The changes needed to introduce the new universal licensing forms, to require electronic filing of most applications, and to effectuate the automatic processing of licenses are so extensive that we seek public comment on the full impact these changes may have on licensees and the public. Accordingly, we provide notice and seek comment because we propose to change the data collection and management mechanisms, use the Universal Database to prepare, analyze, and report statistics, and use these proposals to form the basis for future rulemakings, compliance actions, and other Commission initiatives.

14. In this *NPRM*, we seek comment on the following issues:

- replacing over 40 existing wireless application forms with five new forms (FCC Forms 601 through 605);¹⁷
- consolidating the procedural rules relating to applications contained in each set of service-specific rules (Parts 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101) into a single set of rules in Part 1, updating references to FCC form numbers throughout our rules, and consolidating long-form application requirements for auction participants;
- requiring applicants and licensees in most wireless radio services to file applications and other documents electronically using ULS;¹⁸

¹⁴ See Balanced Budget Act § 3002(a)(1)(A).

¹⁵ See Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them, PR Docket No. 92-235, *Report and Order and Further Notice of Proposed Rulemaking*, 10 FCC Rcd 10076 (1995).

¹⁶ See 5 U.S.C. § 552(b)(3)(A).

¹⁷ The proposed forms are contained in Appendix A. Included is a reference chart of those current forms that we propose to consolidate. Some non-licensing forms, such as Form 175 and Form 854, will be retained.

¹⁸ This rulemaking proceeding does not add, delete, or modify any regulatory or filing fee assessed for certain licensing and application processes. Fee issues will be considered by the Office of Managing Director (OMD) in conjunction with their periodic review of such fees.

- providing for electronic or manual filing, using ULS forms, of routine requests regarding applications (*e.g.*, change of address, change of contact, change of telephone number), and eliminating the use of letter requests for these purposes except in emergencies;
- streamlining WTB authorization and application processing, including: cancellations and terminations of authorizations, amendments to pending applications, modifications to existing authorizations, reinstatements of terminated or cancelled authorizations, and construction and coverage notification requirements;
- consolidating, and in some cases revising, the rules that determine whether a change to a pending application or existing authorization is major or minor;
- conforming return and dismissal procedures for defective or incomplete applications;
- standardizing the collection of ownership information from wireless radio services licensees;
- requiring the submission of a Taxpayer Identification Number (TIN) or its functional equivalent by applicants and licensees using ULS, consistent with the requirements of the Debt Collection Improvement Act of 1996; and
- eliminating unnecessary or duplicative filing requirements (*e.g.*, submission of antenna information in the Public Land Mobile Service, equipment information in the Fixed Microwave Service, showings of coordination and Coast Guard and/or Federal Aviation approvals in the Maritime and Aviation Services, and technical data in the General Mobile Radio Service.)

III. DISCUSSION

A. Electronic Filing and New Forms

1. Consolidation of Application Forms

15. Background. Presently there are over 40 different forms used in the WTB application and licensing process. This myriad of forms can create substantial confusion for applicants. WTB devotes significant resources to providing the appropriate forms to the public and advising applicants of the appropriate form required for their particular business purpose.

16. Discussion. We propose to consolidate the current 41 forms into five new forms that have been developed specifically for ULS: FCC Forms 601, 602, 603, 604, and 605.¹⁹ We have

¹⁹ WTB has also received approval from the Office of Management and Budget (OMB) for a sixth form, Form 606, to be used by existing licensees to register their Taxpayer Identification Numbers (TINs). However, Form 606 will be used on an interim basis only and will be discontinued once ULS is operational. See section

already obtained OMB approval to use FCC Forms 601 through 604 in conjunction with auctionable services.²⁰ We are seeking OMB approval to modify these forms for use more generally for all wireless radio services.²¹ In this connection, we believe it is appropriate to seek comment on any additional modifications to the proposed forms.

- FCC Form 601 (Long-form Application for Authorization) will replace the Form 600, and will be used by the majority of applicants to file initial license applications, as well as filings for modification, renewal, special temporary authority, or other routine applications.
- FCC Form 602 (Wireless Telecommunications Bureau Ownership Form) will be used to submit initial and updated ownership information for those wireless radio services that require the submission of such information.²²
- FCC Form 603 (Application for Assignment of Authorization) will be used for requesting approval of assignment of licenses, including partitioning and disaggregation requests.
- FCC Form 604 (Application for Transfer of Control) will be used to request approval of transfers of control of licensees.²³
- FCC Short Form 605 (Short-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted, and General Mobile Radio Services, as well as for Commercial Radio Operator Licenses) will be used as a short-form application for applicants who are not presently required to submit extensive technical data to receive a license, such as General Mobile Radio Service, Amateurs, Ships, Aircraft, and Commercial Radio Operators.

17. When winning bidders file their long-form applications after the completion of an auction, our rules require the submission of individual applications for each geographic area license won.²⁴ This requirement has been waived for a number of auction winners who filed electronically because our current electronic filing system allows processing of an applicant's multiple license applications

III.B.11, *infra*.

²⁰ OMB approval has been obtained for FCC Form 601 and schedules A, B, K, and L (control number 3060-0798); FCC Form 602 (control number 3060-0799); FCC Form 603 (control number 3060-0800); and FCC Form 604 (control number 3060-0797).

²¹ The proposed forms are contained in Appendix A.

²² This ownership information would be automatically entered into the ULS database. The applicant would only submit a single Form 602 in connection with multiple applications and would be able to reference this information in all future applications without refiling the form. See section III.C.1.

²³ We note that the Federal Communications Bar Association (FCBA) has established an Ad Hoc Committee to develop a proposal for a universal assignment and transfer form.

²⁴ See, e.g., 47 C.F.R. §§ 24.11(a), 26.207, 27.304.

through a single form.²⁵ We tentatively conclude that elimination of the separate long-form filing requirement will expedite the post-auction licensing process and eliminate substantial administrative burdens for both the public and the Commission. With the advent of ULS and electronic filing of long-form applications after the completion of an auction, the filing of individual applications for each license won at auction is unnecessary. We propose, therefore, to permit parties to routinely file a single application to authorize all licenses won by them in a single auction.²⁶ We seek comment on this tentative conclusion and proposal.

18. We seek comment on each of these forms and on any possible modifications commenters may wish to suggest. We also note that we do not propose to eliminate use of the auction short-form application (FCC Form 175)²⁷ or our antenna registration form (FCC Form 854).²⁸ These forms are used by licensees in other Bureaus and are not exclusively WTB forms; therefore, we will continue to use these forms for the wireless radio services. We note that this rulemaking proceeding does not add, delete, or modify any regulatory or filing fee assessed for certain licensing and application processes. Fee issues will be considered by the Office of Managing Director in conjunction with its periodic review of such fees.

2. Mandatory Electronic Filing

19. Background. While we have previously implemented electronic filing for many wireless radio services, ULS gives us the capability to accept electronically filed applications in all wireless radio services. The percentage of electronically filed applications has increased over the past few years. In general, we have not made electronic filing of applications mandatory in the wireless radio services. Nevertheless, our policies have consistently encouraged electronic filing, and we have stated our intent to minimize the number of applications that are filed and processed manually. With respect to applications for licenses obtained through competitive bidding, we recently amended sections

²⁵ See, e.g., "D, E, and F Block Auction Closes; Winning Bidders in the Auction of 1,479 Licenses to Provide Broadband PCS in Basic Trading Areas," Report No. Auc-97-11-I (Auction No. 11), *Public Notice*, DA 97-81 (rel. Jan. 15, 1997).

²⁶ See, e.g., 47 C.F.R. §§ 24.11(a), 26.207, 27.304.

²⁷ In order to be eligible to bid at auction, the short-form application (FCC Form 175) must be submitted by the applicant, together with an appropriate filing fee. 47 C.F.R. § 1.2105(a).

²⁸ In general, antenna structure owners are required to file FCC Form 854, "Application for Antenna Structure Registration," with the Commission and notify the Federal Aviation Administration (FAA) prior to construction if a proposed structure will exceed 200 feet above ground or is to be located near a public use airport. See 47 C.F.R. Part 17 Subpart B for specific requirements and exceptions. This requirement serves to promote safety in air navigation and applies to all antenna structures over which the Commission has jurisdiction (e.g., wireless facilities and broadcast towers).

1.2105(a) and 1.2107(c) of our rules to require electronic filing of all short-form and long-form applications beginning January 1, 1999, unless not feasible.²⁹

20. In addition, we note that the public has requested that the Commission implement electronic filing of information wherever feasible to facilitate more user-friendly queries of licensing data. We recently sought comment on various changes to our rules that were intended to eliminate unnecessary filing and reporting requirements.³⁰ In these proceedings, a number of commenters suggested that we introduce electronic filing measures.³¹

21. Discussion. With the advent of ULS, we will have the ability to accept electronic filing of all forms used for wireless radio services. We propose that beginning on January 1, 1999, applicants, licensees, and frequency coordinators filing applications on behalf of applicants in all of the wireless radio services be required to file electronically.³² This proposal is consistent with our recent decision in the *Part 1 Third Report and Order* to require electronic filing of applications for licenses obtained through auctions. Similarly, in the *Electronic Tariff Filing Report and Order* in CC Docket No. 96-187, we established a program for mandatory electronic filing of tariffs and associated documents, such as transmittal letters, requests for special permission, and cost support documents.³³ As in those proceedings, we believe that requiring electronic filing of applications for all wireless radio services is in the public interest because it will help to accomplish our goals of: (1) a more rapid transition to ULS; (2) streamlining our application processing; (3) affording parties a quick and

²⁹ See Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, WT Docket No. 97-82, *Third Report and Order and Second Further Notice of Proposed Rulemaking*, FCC 97-413 (rel. December 31, 1997) (*Part 1 Third Report and Order*) at ¶ 59. The Commission reserves the right to provide for manual filing in the event of technical failure or other difficulties. See *Part 1 Third Report and Order* at ¶ 62.

³⁰ Improving Commission Processes, PP Docket No. 96-17, *Notice of Inquiry*, 11 FCC Rcd 14006 (1996) (*Improvement Notice of Inquiry*), *Report to the Commission*, FCC Office of Plans and Policy, July 25, 1996. See also *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, *Notice of Proposed Rulemaking*, 12 FCC Rcd 5150 (1997) (*Electronic Filing NPRM*).

³¹ See, e.g., comments filed in PP Docket No. 96-17: Association of Public Safety Communications Officials Comments at 10; AT&T Comments at 4-5; Jim Wills Comments at 2; PCIA Comments at 4; Becker and Associates Comments at 5; Vanguard Cellular Systems Comments at 3; see also, e.g., comments filed in GC Docket No. 97-113: US West, Inc. Comments at 1; Sprint Corporation Comments at 2; Bell Atlantic and NYNEX Comments at 3; PCIA Comments at 2; GTE Corporation Comments at 2; AT&T Comments at 1-2; NECA Comments at 2.

³² See paragraph 5 and note 3 for details regarding electronic filing.

³³ See Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996, CC Docket No. 96-187, *Report and Order*, 12 FCC Rcd 2170, 2195, ¶ 47 (1997), *recon. pending*, (*Electronic Tariff Filing Report and Order*). The Electronic Tariff Filing System (ETFS) was established on November 17, 1997; mandatory use by incumbent LECs is scheduled for March 1, 1998. See "Common Carrier Bureau Implements Electronic Tariff Filing System," *Public Notice*, DA 97-2491 (rel. Nov. 25, 1997).

economical means to file applications; and (4) making all licensing information quickly and easily available to interested parties and the public. We believe that the effect of this requirement on applicants, licensees, and frequency coordinators in wireless radio services would be beneficial; indeed, the ULS is intended to relieve the burden on all filers of the time and cost of paper filings. We request comment on these proposals.

22. While we propose to establish mandatory electronic filing for all wireless radio services, we seek comment on whether manual filing should continue as an option for certain services or classes of applicants. We recognize that licensees and applicants interested in wireless radio services are a diverse group which includes commercial entities providing a communications service to subscribers, entities who use radio for internal purposes, and individuals. We note that the commercial entities may be large corporations or small businesses with more limited budgets and resources. We recognize that some applicants may not have access to computers with the hardware and capability to utilize the software necessary to submit their applications electronically, particularly since electronic filing will be accomplished by dial-in procedures and not over the Internet. Accordingly, we seek comment on whether certain wireless radio services, excluding those subject to competitive bidding, should be exempted from our proposed general requirement to file electronically. Commenters advocating an exemption from mandatory electronic filing should explain why a particular service or a particular class of applicants requires manual filing. Commenters should also address whether it would be appropriate to require electronic filing for such services after a period of time. Commenters should suggest an appropriate period of time before mandatory electronic filing would be implemented for these exempted services, with a rationale supporting such proposals. Commenters should also address ways to make ULS more accessible to individuals with disabilities.

23. Finally, we request comment on whether it would benefit applicants and licensees subject to electronic filing if the Commission maintained computer facilities in field offices and at the Washington, D.C. offices for the public to use to file forms and pleadings electronically. Commenters should discuss the resources needed to support this, *e.g.*, the number of computers necessary for public to use. It is our intention to make electronic filing as easily available and successful as possible, and we request public input for further suggestions to meet this goal.

3. Copy and Microfiche Requirements

24. **Background.** Current Commission rules require the filing of a specified number of copies of all applications and pleadings in order to ensure that appropriate Commission staff have access to the documents and that timely information is provided to the public.³⁴ Additionally, in many cases copies of applications must be filed on microfiche for inclusion in the station file for the licensee.³⁵ In our *Notice of Inquiry* in PP Docket No. 96-17,³⁶ we sought comment on ways to streamline our

³⁴ See 47 C.F.R. § 1.51.

³⁵ See 47 C.F.R. §§ 1.45(a) and (b), 22.105(d).

³⁶ *Improvement Notice of Inquiry, supra.*

processes and to eliminate unnecessary filing requirements. Commenters in that proceeding were overwhelmingly in favor of implementing electronic filing.³⁷

25. Discussion. In this proceeding, we propose to change the current copy and microfiche requirements to eliminate those requirements that are no longer necessary.³⁸ We tentatively conclude that reducing the number of copies that parties have to file and eliminating our current microfiche requirements would serve the public interest because such requirements are unnecessary under ULS. In the past, multiple copies and microfiche were required to make application and licensing information available to the public. ULS, however, provides an unprecedented degree of accessibility to this information. Whether applications or pleadings are filed electronically or manually, all information will be available online to interested parties. After implementation of ULS, any data that is filed manually will be entered or scanned as necessary and will be available in the same fashion as electronically filed information. Thus, there will no longer be a need for an applicant to file numerous paper copies or microfiche. We propose to amend our rules so that applicants who file applications electronically will not be required to provide paper copies, diskettes, or microfiche.³⁹ We seek comment on these proposals and tentative conclusions. We also seek comment on whether it would impose a significant burden on manual filers to require them to file a diskette containing electronic copies of all attachments and exhibits filed with paper forms. Requiring a diskette containing electronic copies of all attachments to be filed with manually filed applications would expedite the addition of such applications to ULS.

4. Filing of Pleadings Associated with Applications

26. Background. Currently, section 1.49 of our rules requires that pleadings and documents filed in any Commission proceeding be filed on paper.⁴⁰ In our proceeding in GC Docket No. 97-113, we are considering whether to allow electronic filing of comments in rulemaking proceedings.⁴¹

27. Discussion. In conjunction with the enhanced electronic filing capability provided by ULS, we propose to modify our Part 1 rules to allow electronic filing of pleadings regarding wireless radio service applications.⁴² With the advent of ULS, we also have the ability to allow pleadings and informal requests for Commission actions associated with applications or licenses in the wireless radio

³⁷ See, e.g., comments filed in PP Docket No. 96-17: PCIA Comments at 4-5, SBC Comments at 22, Vanguard Comments at 3; Becker and Associates Comments at 5; Jim Wills Comments at 2; AT&T Comments at 4-6; Association of Public Safety Communications Officials Comments at 10.

³⁸ See, e.g., 47 C.F.R. §§ 22.105, 24.413, 26.307, 27.307. Proposed new rule 47 C.F.R. § 1.913 is contained in Appendix C.

³⁹ See proposed 47 C.F.R. § 1.913 at Appendix C.

⁴⁰ 47 C.F.R. § 1.49(a).

⁴¹ See *Electronic Filing NPRM*, *supra*.

⁴² See proposed rules 47 C.F.R. §§ 1.45, 1.49, 1.106.

services to be filed electronically. Such pleadings include petitions to deny, petitions for reconsideration, applications for review, comments, motions for extension of time, and subsequently filed pleadings related to such filings (*i.e.*, oppositions and replies). In addition, ULS allows waiver requests to be filed electronically on the FCC Form 601 or in connection with requests submitted on other ULS forms.⁴³ We anticipate that ULS will be able to accept pleadings prepared in a variety of software formats. Electronic filers will be queried regarding which application is at issue. This query will enable us to easily associate pleadings with related applications and make the pleadings accessible to the public. In addition, parties submitting pleadings via the ULS will continue to be required to serve paper copies on all interested parties. This initiative is intended to complement the system we have previously proposed to permit the electronic filing of pleadings in docketed proceedings.⁴⁴ We seek comment on this proposal.⁴⁵ We also seek comment on whether we should permit other WTB pleadings that are not associated with an application or a docketed proceeding (*e.g.*, a request to stay a filing deadline) to be filed electronically via ULS.

5. Letter Requests

28. **Background.** The Commission's rules currently permit licensees in some wireless services to request certain actions by letter instead of with a formal application filing.⁴⁶ Each year WTB receives thousands of letter requests which must be processed manually. In addition, section 308(a) of

⁴³ See proposed rule 47 C.F.R. § 1.925(b).

⁴⁴ See *Electronic Filing NPRM, supra*.

⁴⁵ We seek comment on whether parties submitting manually-filed pleadings would be required to include a diskette copy. See Section III-A-3, *infra*.

⁴⁶ For example, letter filings are now permitted in Parts 80, 87, 90, and 95 in the following circumstances: section 80.29 (mailing address and name change-written notice), section 87.21 (name changes), section 90.135(d) and (e) (name, ownership and other changes), and sections 95.103, 95.107(d) and (e), 95.117 (name changes, status changes for nonindividual general mobile radio service (GMRS) licensees, to determine if transmitters are type accepted and other actions in 95.117, and section 97.29 (replacement license). Part 101.9 permits letter filing where no forms exist. Section 1.931(a), entitled "Application for special temporary authorization, temporary permit or temporary operating authority" permits letter filing, informal filing, telephone and telegraph in specified situations. Section 101.13(f) permits cancellation of license to be done by letter. Section 101.29(g) permits letter filing of amendments. Section 101.31(a)(2) permits letter filing for special, temporary and conditional authorizations in certain circumstances. Section 101.31(a)(6) permits filing for emergencies and war and other exceptional circumstances. Section 101.57(e) permits letter filing name and address changes. Section 90.145(a) permits letter filing similar to those permitted by section 1.931(a). In addition, pursuant to section 1.110 of our rules, applicants may, within 30 days of receiving a grant of an application, send a written request rejecting the grant as made.

the Communications Act states that formal applications are not required during national emergencies or under other exceptional circumstances (Special Situations).⁴⁷

29. Discussion. We seek comment on whether requiring requests relating to licenses or applications to be filed using ULS forms rather than continuing to accept and process letter requests will better serve the public interest. Commenters should address whether we should eliminate letter filings for applications, modifications, renewals, amendments, extensions, cancellations, special temporary authorizations, and name and address changes, except for the Special Situations set forth in section 308(a) of the Communications Act.⁴⁸ We note that our forms are widely available to the public on the FCC's web page,⁴⁹ via toll free telephone number,⁵⁰ and through a fax-on-demand service,⁵¹ and their use should be far less burdensome for the public than drafting a letter request. Using a form instead of a letter will also enable Commission staff to handle requests more quickly and accurately. We also note that even if manually filed with the Commission, the ULS form is more likely than a letter to be sent directly to the appropriate Bureau and division for processing. In addition, many requests for minor modifications could, if filed on a form, be automatically granted, thus relieving the Commission of a significant processing burden. Nonetheless, we are mindful that it may be unduly burdensome for some licensees to use a specific form rather than a letter to request minor changes to an application or license, such as a change of address. Therefore, commenters should address whether letter requests should be permitted under certain circumstances and if so, identify those circumstances.

B. Standardization of Practices and Procedures for WTB Applications and Authorizations

1. Overview – Consolidation of Procedural Rules in Part 1

30. Background. In the past, we have adopted service-specific rules and procedures for processing applications in each wireless service, which are for the most part set forth in separate rule parts pertaining to each service. Thus, because many wireless service providers hold licenses in more than one service, they must consult multiple rule parts when filing applications. Moreover, these rules are not only duplicative, but are sometimes inconsistent, in part, because we have developed many of our service-specific licensing procedures based on separate and independent licensing databases for each service, which have different components and capabilities. Additionally, processing of applications in the various wireless services is carried out by different processing groups within the

⁴⁷ 47 U.S.C. § 308(a). This provides for filing letter requests as a substitute for formal applications under exceptional circumstances or special situations. This provision is not to be confused with the filing of requests for special temporary authority under section 309(f) of the Communications Act, 47 U.S.C. § 309(f).

⁴⁸ This change would include written requests rejecting grants pursuant to section 1.110.

⁴⁹ See <http://www.fcc.gov/formpage.html>.

⁵⁰ 1-800-418-FORM (3676).

⁵¹ Call 1-202-418-0177 from the handset of any fax machine and follow the recorded instructions.

Bureau, which also leads to varying procedures and processing speeds. Finally, because each service's rules have generally been addressed in separate rulemaking proceedings, which took place at different times, inconsistencies arose in the processing procedures for each service as we have taken an increasingly deregulatory approach to licensing procedures.⁵²

31. Discussion. The enhanced technical capabilities of ULS and the upcoming consolidation of our licensing databases provides us with a unique opportunity to replace our disparate service-specific processing rules with a single set of processing rules for all wireless services that utilize ULS. Therefore, as discussed in greater detail below, we propose to consolidate our existing procedural rules for the wireless radio services into unified rules, located in Part 1, that will be tailored to the new ULS database.⁵³ Moreover, in addition to simply consolidating rules that are identical but duplicative, we propose to eliminate unnecessary or outdated procedural rules and conform inconsistent procedures to the extent feasible. We believe that a single, consolidated set of rules will make our licensing procedures more consistent across different services and will make the rules more accessible and understandable to applicants, licensees, and the public.

32. We believe that adopting a single set of procedural rules tailored to ULS will also make the licensing process more efficient and user-friendly. For example, under ULS applicants seeking multiple licenses in the same service or in more than one service will be able to submit basic licensee information (e.g., name, address, ownership information) only once, and ULS can automatically incorporate this information into all subsequent applications associated with the same applicant. In each subsequent filing, the applicant would be certifying that the prefilled information on the application remains correct. Thus, licensees need not resubmit licensee information that is already in the system unless that information has changed, in which case only a single filing would be required to update the system. By using the same processing rules in conjunction with applications in multiple markets and across multiple services, we can use this common licensee information more efficiently and minimize instances where a licensee must file additional information with a specific application.

33. In the sections below, we highlight some of the principal areas in which we propose to consolidate our processing rules. In general, we are not proposing to make major substantive changes to our rules as part of this process, but simply to eliminate unnecessary or outdated requirements and conform inconsistencies in our rules where feasible. We are also mindful that in some instances, it may be necessary to retain service-specific components to our processing rules that reflect legitimate technical, operational, or policy considerations that are unique to a given service or class of services. We encourage commenters to address our proposed changes, both to identify unnecessary and inconsistent rules and to identify any instances in which retention of service-specific rules is justified.

⁵² We note that where a license is granted on a site-specific basis, virtually any change to the technical characteristics of the facility (e.g., a change of coordinates, antenna height, or transmitting power) requires the Commission to modify the license. By contrast, most geographic area licenses afford the licensee the flexibility to make changes without modification of its authorization provided it complies with the basic operational and technical rules applicable to the service.

⁵³ See, e.g., 47 C.F.R. §§ 22.122, 24.422, 24.423, 26.313, 26.314, 27.313, 90.131, 90.161(a), 90.751, 101.29. Proposed new rule 47 C.F.R. § 1.927 is contained in Appendix C.

2. Standardization of Major and Minor Filing Rules

34. Background. Under current WTB rules, the standards for distinguishing between major and minor filings, particularly amendments to applications and modifications of licenses, have been addressed on a service-specific basis and are found in many provisions throughout the rules.⁵⁴ The distinction between major and minor filings has significant procedural consequences in the application process, because a major amendment to an application causes the application to be considered newly filed, while a minor amendment generally has no impact on the filing date.⁵⁵ A major amendment may be subject to an additional public notice period (where public notice is required) or deemed untimely filed if the new filing date falls outside a filing window. For example, a major ownership amendment to an application for which the filing window has closed would normally make that application untimely and therefore unacceptable for filing. Distinguishing major and minor modifications to licenses is similarly important, because major modifications are subject to the same public notice requirements as initial applications, and typically require prior Commission approval even where public notice is not required. Minor modifications, by contrast, do not trigger public notice obligations and often do not require prior Commission approval.

35. Discussion. The implementation of ULS provides a unique opportunity to replace our service-specific rules with a single set of uniform standards for defining major and minor amendments and modifications in all wireless radio services. We therefore propose to adopt a single rule in Part 1 that defines categories of major and minor changes for purposes of defining whether an amendment to an application or a request for license modification is major or minor.⁵⁶ We propose that these major and minor categories should uniformly govern the filing date of applications in all wireless radio services. We are not, however, proposing to revise the types of applications which require public notice or frequency coordination.

36. In proposing a single consolidated rule, however, we note that some differentiation between services remains necessary based on whether they are licensed on a geographic area basis or a site-specific basis. For example, where a license is granted on a site-specific basis, virtually any change to the technical characteristics of the facility (e.g., a change of coordinates, antenna height, or transmitting power) requires the Commission to modify the license. By contrast, most geographic licenses do not generally require modification for technical changes of this type to individual sites within a licensee's service area, because the license affords the licensee the flexibility to make these changes without modification of its authorization provided it complies with the basic operational and technical rules applicable to the service. As a result, where geographic licensing is involved, there are far fewer types of possible license modifications than where licensing is site-specific.

⁵⁴ For amendment rules, *see, e.g.*, 47 C.F.R. §§ 22.122, 24.42, 90.164, and 101.29. For modification rules, *see, e.g.*, 47 C.F.R. §§ 21.40, 22.163, 90.164, 95.133, 97.21, and 101.57.

⁵⁵ *See, e.g.*, 47 C.F.R. §§ 1.962, 22.131(d).

⁵⁶ *See* proposed rule 47 C.F.R. § 1.929.

37. In addition, even among services licensed on a site-specific basis, some differentiation is required in defining major and minor changes due to the differing technical parameters governing mobile and fixed services. For example, mobile services involve communications between two or more stations in which at least one of the stations involved is mobile.⁵⁷ A common scenario would be where one or more mobile units communicate with a fixed base station and nearby co-channel and adjacent-channel stations are coordinated based on point-radius calculations of potential interference. In contrast, fixed services involve communications among one or more fixed sites. This results in the coordination of neighboring co-channel and adjacent-channel stations by identifying the potential for radio "paths" to interfere with one another. In both cases, however, the technical parameters proposed herein to define major and minor modifications are appropriate to identify which applications could significantly affect nearby licensees and differ consistent with the distinct ways in which co-channel stations are coordinated.

MAJOR

38. Based on the above criteria, we tentatively conclude that the following changes should be considered major:

For all stations in all wireless radio services, whether licensed geographically or on a site-specific basis:

- Any substantial change in ownership or control;
- Any addition or change in frequency, excluding removing a frequency;
- Any request for partitioning or disaggregation;
- Any modification or amendment requiring an environmental assessment (as governed by 47 C.F.R. §§ 1.1301-1319);
- Any request requiring frequency coordination (non-CMRS⁵⁸ private land mobile only); or
- Any modification or amendment requiring notification to the Federal Aviation Administration as defined in 47 C.F.R. Part 17 Subpart B.

In addition to those changes listed above, the following are major changes applicable to stations licensed to provide base-to-mobile, mobile-to-base, mobile-to-mobile, or repeater communications on a site-specific basis:

- Any increase in antenna height above average terrain (HAAT);
- Any increase in effective radiated power (ERP);
- Any change in latitude or longitude; or
- Any increase or expansion of coverage area (in this context, coverage area is defined in the rule parts governing the particular radio services).

⁵⁷ See 47 U.S.C. § 153(27).

⁵⁸ Commercial mobile radio service (CMRS) is defined as a mobile service that is provided for profit and makes interconnected service available (A) to the public, or (B) to such classes of eligible users as be effectively available to a substantial portion of the public. 47 U.S.C. § 332(d).

In addition to those changes listed above, the following are major changes that apply to stations licensed to provide exclusively fixed point-to-point, multipoint-to-point, or point-to-multipoint communications on a site-specific basis:

- Any change in transmit antenna location by more than 5 seconds in latitude or longitude (e.g., a 5 second change in either latitude or longitude would be minor);
- Any increase in frequency tolerance (Fixed Microwave only);
- Any increase in bandwidth;
- Any change in emission type;
- Any increase in EIRP greater than 3 dB;
- Any increase in EIRP greater than 1.5 dB (DEMS only);
- Any increase in transmit antenna height (above mean sea level) more than 3 meters;
- Any increase in transmit antenna beamwidth;
- Any change in transmit antenna polarization (fixed microwave only); or
- Any change in transmit antenna azimuth greater than 1 degree.
- Any change in latitude or longitude that requires special aeronautical study; or
- Any change which together with all minor modifications or amendments since the last major modification or amendment produces a cumulative effect greater than any of the above major criteria.

MINOR

39. We tentatively conclude that any change not specifically listed above as major should be considered minor. This would include:

- Any *pro forma* transfer or assignment;
- Any name change not involving change in ownership of the license;
- Any address and/or telephone number changes;
- Any changes in contact person;
- Any change to a CMRS site where the licensee's interference contours are not extended and co-channel separation criteria are met; or
- Any conversion of a site-specific license into a single wide-area license where there is no change in the licensee's aggregate service area.

40. In addition, we propose to combine the two categories of minor filings in Part 101⁵⁹ into one category, which will not be required to be placed on public notice. We are also correcting a minor discrepancy in the standard for a major change to antenna parameters that exists between an application amendment and modification to a station.⁶⁰ We invite comment on these changes.

41. We further propose to allow licensees to implement minor modifications to their facilities without prior Commission approval; licensees would be required only to electronically notify the

⁵⁹ See 47 C.F.R. §§ 101.57, 101.59.

⁶⁰ See 47 C.F.R. §§ 101.29, 101.61.

Commission within 30 days of implementing the change.⁶¹ However, we note that there are times that applicants and licensees may submit multiple amendments or modifications that individually would be considered minor changes, but that, when considered together, would constitute a major change. In this connection, we propose that multiple minor changes be considered a major change to the extent that their cumulative effects relative to the original authorization exceed the threshold(s) set forth above as major changes. We seek comment on this proposal. Commenters should address the standard we should adopt to alert applicants and licensees that multiple minor amendments or modifications will be considered a major change.

3. Submission of Ownership Information

42. Background. Our existing service-specific rules contain varying requirements for submission of ownership information by wireless applicants and licensees. For example, in Part 22, we require applicants for licenses to provide detailed real-party-in-interest information conceding stockholders, subsidiaries, and affiliates.⁶² Assignees and transferees of Part 22 licenses must also file current ownership information on Form 430 if a current report is not on file with the Commission.⁶³ In Part 101, we require microwave applicants to file real-party-in-interest information in conjunction with their applications.⁶⁴ Most recently, in the *Part 1 Third Report and Order*, we required all applicants for licenses or for consent to assignment or transfer of licenses in auctionable services to provide specific ownership information with either their short-form or long-form application.⁶⁵

43. Discussion. These various reporting requirements are intended to enable the Commission to review whether applicants and licensees are in compliance with our real-party-in-interest rules, as well as with ownership restrictions such as the CMRS spectrum cap,⁶⁶ cellular cross-ownership restrictions,⁶⁷ eligibility for treatment as a small business at auction,⁶⁸ and foreign ownership limitations.⁶⁹ However, because different and sometimes inconsistent reporting requirements apply to different services, entities who hold or apply for multiple licenses may be required to submit

⁶¹ See proposed rule 47 C.F.R. § 1.947(a).

⁶² 47 C.F.R. § 22.108.

⁶³ 47 C.F.R. § 22.137(a).

⁶⁴ 47 C.F.R. § 101.19. Point-to-point microwave applicants must disclose the identity and relationship of persons directly or indirectly owning or controlling the applicant.

⁶⁵ *Part 1 Third Report and Order* at ¶ 80. See 47 C.F.R. § 1.2112(a).

⁶⁶ See 47 C.F.R. § 20.6.

⁶⁷ See, e.g., 47 C.F.R. § 22.942.

⁶⁸ See, e.g., 47 C.F.R. § 24.709.

⁶⁹ See 47 U.S.C. § 310(b)(3), (4); 47 C.F.R. § 20.5.

duplicative or inconsistent ownership information with each application. These multiple filings burden applicants and congest WTB databases and reference rooms with duplicative information.

44. In the *Part 1 Third Report and Order*, we established streamlined ownership reporting requirements for applicants in auctionable services, by eliminating the requirement that an applicant separately submit ownership information each time it applies to participate in an auction.⁷⁰ We stated that an applicant would be required to provide ownership information when it applies for its first auction, and that such information would then be maintained in a central database which the applicant could update when its ownership information changes. We stated that we would implement this procedure as part of ULS.

45. The development of ULS provides an opportunity to fully implement our decision in the *Part 1 Third Report and Order* and to further streamline our ownership disclosure requirements by adopting a consolidated rule governing all submissions of ownership information by wireless applicants and licensees. We propose to utilize the new Form 602, developed for ULS, as the common form on which all wireless applicants and licensees submit required ownership information in connection with any application or licensing change.⁷¹ For entities applying for a license for the first time, whether by initial licensing, assignment, or transfer of control, an applicant subject to ownership reporting requirements would file this form simultaneously with the relevant license application (Form 175, 601, 603, or 604). Because the ownership information submitted on the initial Form 602 will be automatically entered into the ULS database, the applicant would be required to submit only a single Form 602 in connection with multiple applications (whether in one wireless service or multiple services), and would be able to reference the same information in all future applications without refiling the form.⁷² The licensee would also use the Form 602 to provide amended or updated ownership information as required by the relevant rules, e.g., in connection with transfers and assignments.⁷³ Again, the licensee would only have to file one ownership form to update this data for all of its licenses. We seek comment on these proposals.

46. In connection with our proposed use of Form 602 for submission of all ownership information, we also propose to streamline and consolidate our rules regarding the types of ownership information that must be submitted by wireless applicants and licensees. In light of our decision in the *Part 1 Third Report and Order* to establish uniform reporting requirements for applicants and licensees in auctionable services, we propose to eliminate all duplicative and inconsistent reporting requirements in service-specific rule parts that deal with auctionable services. For example, Section 22.108 in our current rules requires Part 22 applicants to provide information regarding investors holding a five percent or greater interest in the applicant. This rule is inconsistent with the ten percent ownership

⁷⁰ *Id.*

⁷¹ See proposed rule 47 C.F.R. §§ 1.913(2), 1.919. For common carriers, this Form will supersede the Form 430 Licensee Qualification Form.

⁷² See proposed rule 47 C.F.R. § 1.919(b).

⁷³ See proposed rule 47 C.F.R. § 1.919(d).

reporting threshold adopted in Section 1.2112, which also applies to Part 22 applicants because all Part 22 services are auctionable. Although we did not delete Section 22.108 in the *Part 1 Third Report and Order*, we believe it is appropriate to do here in order to carry out the intent of that order and conform our reporting requirements for all auctionable services. Our proposal, however, does not preclude requiring certain applicants to provide different or more specific ownership information where there is a particular need for the information to carry out our regulatory responsibilities. For example, applicants seeking small business eligibility for auction purposes must typically file more detailed information regarding ownership and financial structure than other entities.⁷⁴ We do not propose to alter such specific requirements. We also do not propose to address substantive ownership issues such as attribution rules, cross-ownership limitations, or spectrum caps. While the information that applicants provide on Form 602 may be relevant to such issues, they are outside the scope of this proceeding.

47. We also seek comment on whether to revise our rules regarding ownership information to be provided by applicants and licensees in non-auctionable services that are not subject to the disclosure requirements of the *Part 1 Third Report and Order*. For example, under Part 101, all applicants, including private licensees operating systems exclusively for internal use, are required to disclose real party in interest information and certify that they are not representatives of foreign governments, but are not otherwise subject to ownership reporting requirements.⁷⁵ While we do not propose to alter the substance of these reporting requirements at this time, we believe that the current requirements and any additional disclosure requirements that might be adopted in the future should be incorporated into a consolidated rule governing the basic ownership information to be provided by all non-auctionable wireless applicants and licensees. Therefore we propose to incorporate the Part 101 standard into our consolidated Part 1 rule.⁷⁶ We seek comment on the proposal.

48. We also seek comment on whether we should use ULS to collect ownership information from applicants and licensees in non-auctionable services beyond what is currently required. For example, we note that in some instances, licenses in private, non-auctionable services are held by commercial enterprises such as railroads or utilities, which could also hold licenses or interests in licenses in auctionable wireless services. We seek comment on whether the possible holding of both types of licenses raises potential competitive or spectrum management issues that would justify requiring such entities to provide ownership information in connection with applications for non-auctionable as well as auctionable licenses. We also seek comment on what types of information should be provided. We tentatively conclude, however, that there is no need to extend ownership reporting requirements to applications or licenses held by governmental entities. We also tentatively conclude that such requirements are unnecessary for the Amateur or General Mobile Radio Services or for Commercial Radio Operators, because these services are essentially personal in nature. We seek comment on these tentative conclusions.

⁷⁴ See, e.g., 47 C.F.R. §§ 24.309, 24.709.

⁷⁵ 47 C.F.R. §§ 101.7(a), 101.19(a)(1).

⁷⁶ See proposed rule 47 C.F.R. § 1.919.

4. Frequency Coordination of Amendment and Modification Applications

49. Background. In services requiring frequency coordination in Parts 90 and 101,⁷⁷ we have differing rules pertaining to coordination for amendments and modifications that involve substantial engineering changes to applications. Section 90.175 of our rules identifies numerous changes that do not require frequency coordination. However, section 101.103(d) of our rules requires all applicants seeking to amend applications or modify their authorizations to obtain a new frequency coordination.

50. Discussion. We propose amending section 101.103 by requiring frequency coordination only for those applicants filing amendments and modifications that involve changes to technical parameters that are classified as major in accordance with the discussion above. Licensees making minor changes to technical parameters would only be required to notify the Commission, as well as the entity(ies) with which it normally engages in frequency coordination, of the minor change. We seek comment on this proposal. This proposed change to section 101.103 will provide uniformity among the rules for all the affected services.

5. Returns and Dismissals of Incomplete or Defective Applications

51. Background. Currently, electronic filing of applications involves the completion of a form on a computer and forwarding the completed application to the Commission. Incomplete or incorrectly filed applications are returned and/or dismissed in accordance with service-specific rules. The ULS filing system will reduce filing errors by assisting applicants who file electronically to fill in all required information. For example, ULS will prefill ownership and address information for applicants who are already Commission licensees. It will also interactively check that required elements of applications are completed and prompt applicants to correct errors. ULS can also be programmed to interactively perform certain clearances such as verifying tower registration. We anticipate that this system, in combination with the consolidated rules proposed herein, will result in a higher percentage of grantable applications and help to ensure the integrity of the data in our licensing database.

52. There will be two means for parties to electronically file applications with the Commission: batch⁷⁸ and interactive.⁷⁹ Batch filers will follow a set Commission format for entering data. Batch filers will then send via file transfer protocol (FTP) batches of data to the Commission for compiling. ULS will compile such filings overnight and respond the next business day with a return or dismissal for any defective applications. Thus, batch filers will not receive immediate corrections from the system as they enter the information. Interactive filers will use a WWW browser to contact

⁷⁷ 47 C.F.R. §§ 90.175, 101.103.

⁷⁸ Batch filing involves data transmission in a single action, without any interaction with the Commission's ULS system.

⁷⁹ Interactive filing involves data transmission with screen-by-screen prompting from the Commission's ULS system.

the Commission on our secure network and complete the appropriate Commission form in real time.⁸⁰ Interactive filers will receive prompts from the system identifying data entries outside the acceptable ranges of data for the individual fields at the time the data entry is made. Because interactive filers will be able to enter corrected information in real time, they are less likely to submit applications that are incomplete or incorrect with respect to information in these fields.

53. Discussion. We propose to conform our filing rules for all WTB applicants so that batch, interactive, and, where applicable, manual filers will be subject to the same requirements and procedures for defective or incomplete applications. Interactively filed applications will be screened in real time by the ULS system; therefore errors will be unlikely but may occur in some instances where erroneous information is entered. In the case of batch and manually filed applications, incomplete or erroneous filings will not be detected until after the application is filed. Manually filed applications, if erroneous, will not be returned until the WTB staff reviews the application and detects the problem. In all cases, regardless of filing method, except as indicated below, we propose that an applicant who submits an application that is accepted by ULS but that subsequently is found to have missing or incorrect information be notified of the defect. We seek comment on allowing applicants 30 days from the date of this notification to correct or amend the application if the amendment is minor. If the amendment is major, the applicant's ability to refile will depend on whether major amendments are allowed under the circumstances (e.g., whether the relevant filing window has closed). Notwithstanding the above, in all cases applications that are submitted without a sufficient fee or outside of an applicable filing window and manually filed applications that do not contain a valid signature will be immediately dismissed.⁸¹ We seek comment on these proposals.

54. Finally, we propose a method for handling confidential attachments to applications filed in the ULS. Currently, because applicants may submit proprietary or market sensitive data as attachments to their applications, they may request that the Commission treat these attachments as confidential. If the Commission does not grant this request for confidential treatment, the attachments in question are returned to the applicant, who may decide whether or not to resubmit them without restriction. Under the ULS applicants may request that an electronically submitted attachment be treated as confidential by checking the appropriate box on the attachment form. To ensure that these attachments are kept confidential in ULS, we would put the following security measures in place: (1) any attachment designated as confidential will not be accessible from publicly available query utilities; and (2) a special user name and password will be required for Commission employees to view confidential attachments. To provide the same treatment under ULS as under the current system, we propose that if the Commission decides not to grant a request for confidential treatment, the applicant be informed and the attachments in question be deleted from the ULS database. We request comment on this proposal.

⁸⁰ Interactive filing will be accomplished through the Commission's WAN. No filing will be done over the Internet. The Commission's WAN can be accessed by using software available for downloading from the Commission's web site at <http://www.fcc.gov/wtb/uls>.

⁸¹ The initial set of clearances would include whether the manually filed application has been signed and whether all applications included the appropriate filing fee. See proposed rule 47 C.F.R. § 1.934(d). Electronically filed applications may contain an electronic signature. See proposed rule 47 C.F.R. § 1.917(d).

6. Discontinuation of "Reinstatement" Applications

55. Background. Presently, licensees in the Private Land Mobile Services and Fixed Microwave Radio Services who do not file a timely renewal application are given a 30-day period following the expiration of their licenses in which to request reinstatement.⁸² This practice was instituted due to the large number of late-filed applications in these services. This practice is inconsistent with other wireless radio service licensing rules where reinstatement is not permitted.⁸³ Given the development of ULS, we seek comment on whether to modify our rules to utilize ULS to notify applicants of the renewal period for their licenses. This would eliminate the reinstatement period and instead automatically cancel the license following expiration.

56. Discussion. In order to provide regulatory symmetry among all wireless services, we propose to provide automatic pre-expiration notification to all wireless radio services licensees via ULS and to eliminate the reinstatement period in those services that currently allow reinstatement applications.⁸⁴ Specifically, we propose that ULS would send notices to all wireless radio services licensees, both site-specific licensees and geographic area licensees, 90 days before the expiration of their licenses.⁸⁵ We seek comment on this proposal. Commenters should address whether 90 days is the appropriate amount of time prior to expiration to send this information. Under this procedure, failure to file for renewal of the license before the end of the license term would result in automatic cancellation of the license.⁸⁶ We tentatively conclude that existing rules allowing reinstatement of expired licenses should be eliminated because, under our proposed new rules: (1) licensees will receive notification that their licenses are about to expire and, therefore, should be responsible for submitting timely renewal applications; and (2) interactive electronic filing will make it easier for all licensees to timely file renewal applications. In addition, Commission forms are widely available to the public on the FCC's web page,⁸⁷ via toll free telephone number,⁸⁸ and through a fax-on-demand service,⁸⁹ and licensees should be able to obtain the form more easily than before to timely file their renewal application. We seek comment on our tentative conclusions and on whether this approach will have a negative effect on public safety and local government licensees. In particular, we request

⁸² See 47 C.F.R. § 1.947(c).

⁸³ See, e.g., 47 C.F.R. § 22.145.

⁸⁴ This proposal does not affect the five year grace period within which holders of Commercial Radio Operator licenses may renew expired licenses without retaking the required examination. See 47 C.F.R. § 13.13(b).

⁸⁵ Notification would be sent to the point of contact listed in the ULS database for each call sign.

⁸⁶ See proposed rule 47 C.F.R. § 1.949(a).

⁸⁷ See <http://www.fcc.gov/formpage.html>.

⁸⁸ 1-800-418-FORM (3676).

⁸⁹ Call 1-202-418-0177 from the handset of any fax machine and follow the recorded instructions.